

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KURT MORALES II, BEN FABRIKANT,  
and BRANDON CALLIER, individually,  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

SUNPATH LTD., a Delaware corporation,  
and NORTHCOAST WARRANTY  
SERVICES, INC., a Delaware corporation,

Defendants.

Case No. 20-CV-01376-RGA

**STIPULATION AND [PROPOSED] ORDER STAYING HEARING ON MOTION FOR  
CLASS CERTIFICATION AND FOR PRELIMINARY INJUNCTION**

Plaintiffs Kurt Morales II, Ben Fabrikant, and Brandon Callier, individually and on behalf of all others similarly situated (“Plaintiffs”), and Defendants Sunpath Ltd., and Northcoast Warranty Services, Inc. (“Defendants”), stipulate and agree as follows:

WHEREAS, on November 17, 2020, Plaintiffs filed a First Amended Class Action Complaint and Motion for Class Certification and for Preliminary Injunction (the “Class Motion”) [D.I. 12, 13];

WHEREAS, on November 20, 2020, the Court entered a Stipulated Order governing the briefing on the Class Motion and setting a hearing for February 16, 2021 at 2:00 P.M. [D.I. 27]

WHEREAS, on December 18, 2020, Defendants filed an Answering Brief in opposition to the Class Motion [D.I. 34];

WHEREAS, on January 8, 2021, Plaintiffs filed a Reply Brief in further support of the Class Motion;

WHEREAS, on February 9, 2021, the parties stipulated and agreed that Plaintiffs may file a Second Amended Class Action Complaint [D.I. 45];

WHEREAS, on February 10, 2021, Plaintiffs filed a Second Amended Class Action Complaint, which Defendants must respond to on or before March 2, 2021 [D.I. 46];

AND NOW, THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that the hearing on the Class Motion scheduled for February 16, 2021 at 2:00 P.M. may be removed from the Court's calendar and stayed until after Defendants respond to the Second Amended Class Action Complaint at which time the parties shall meet and confer concerning briefing on any dispositive motion and any supplemental briefing on the Class Motion.

DATED: February 10, 2021

By: /s/ Ian Connor Bifferato.

Ian Connor Bifferato (#3273)  
THE BIFFERATO FIRM, P.A.  
1007 N. Orange Street, 4th Floor  
Wilmington, DE 19801  
Telephone: (302) 225-7600  
Facsimile: (302) 298-0688  
E-mail: cbifferato@tbf.legal

Thomas A. Zimmerman, Jr. (IL #6231944)\*  
ZIMMERMAN LAW OFFICES, P.C.  
77 W. Washington Street, Suite 1220  
Chicago, Illinois 60602  
Telephone: (312) 440-0020  
Facsimile: (312) 440-4180  
Email: tom@attorneyzim.com  
www.attorneyzim.com

Mark L. Javitch (California SBN 323729)\*  
JAVITCH LAW OFFICE  
480 S. Ellsworth Avenue  
San Mateo CA 94401  
Telephone: (650) 781-8000  
Facsimile: (650) 648-0705  
Email: mark@javitchlawoffice.com

*Attorneys for Plaintiffs and the Putative Classes*  
\*Admitted Pro Hac Vice

DATED: February 10, 2021

By: /s/ David B. Anthony .

Michael W. McDermott (#4434)

David B. Anthony (#5452)

Peter McGivney (#5779)

BERGER HARRIS

1105 North Market Street, 11<sup>th</sup> Floor

Wilmington, DE 19801

Telephone: (302) 655-1140

Facsimile: (302) 655-1131

Email: mmcdermott@bergerharris.com

*Attorneys for Defendants Sunpath Ltd. and  
Northcoast Warranty Services, Inc.*

IT IS SO ORDERED.

DATED: 2/11/2021

/s/ Richard G. Andrews

Richard G. Andrews

United States District Judge